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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 10/666,985  | 09/19/2003  | Feng-Yi Tien         | PUSA030842                  | 6656             |
| 7590  | 04/08/2005  |                      | EXAMINER<br>HUNTER, ALVIN A |                  |
| Feng-Yi Tien<br>58, MA YUAN WEST ST.<br>TAICHUNG,<br>TAIWAN |             |                      | ART UNIT<br>3711            | PAPER NUMBER     |

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/666,985

Applicant(s)

TIEN, FENG-YI

Examiner

Alvin A. Hunter

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The indicated allowability of claim 8 is withdrawn in view of the newly discovered reference(s) to Tsai (USPN 6648329). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Tsai (USPN 6648329), Laine (USPN 4304405) and Bialler et al. (USPN 6478299).

Regarding claims 1, 4 and 5, applicant admits within the background of the invention that the structure of the manipulation mechanisms are old and conventional (See Figures 7 and 8 and Background of the invention). Applicant does not admit to bearings having through holes mount in the insertion holes and the magnet seat being old and conventional. Laine discloses a rod 9 and a rotor 8 connected to bearings having through holes (See Column 2, lines 35 through 42). One having ordinary skill in the art would have found it obvious to incorporate bearings, as taught by Laine, in order to further facilitate rotation wherein friction is reduced. Bialler et al. disclose a doll having a magnetic seat and a rotor having a magnetic seat (See Summary of the invention). One having ordinary skill in the art would have found it obvious to

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incorporate magnetic seat, as taught by Bialler et al. in order to have the doll mimic realistic scenarios. Tsai discloses an operation rod **20** having an inner wall formed with a passage and each of the manipulation mechanisms includes a fixing rack secured to the body of the table and a support rod **40** having a first end secured on the fixing rack the second end inserted into the passage of the operation rod (See Figure 8). One having ordinary skill in the art would have found it obvious to have a fixing rack and support rod in order to increase the movement of the doll. Applicant does not disclose why it is critical for the fixing rack to be mounted onto the bottom of the platform. One having ordinary skill in the art would have found the placement of the fixing rack to be an obvious matter of design choice. The fixing rack of Tsai performs equally as well because it provide a stable support for the operation rod.

Regarding claim 2, Applicant admits that the connecting rack is mounted in the platform.

Regarding claim 3, Applicant admits that it is old and conventional to have a connecting rack in a substantially inverted U-shape.

Regarding claim 6, Applicant admits that it is old and conventional to have the operation rod having an distal end protruding outward from the through hole of the connecting rack and an O-ring mounted on the distal end of the operation rod rested on the second side wall of the connecting rack (See Figure 8).

Regarding claim 7, Applicant admits that it is old and conventional to have the distal end of the operation rod having an outer periphery formed with a positioning hole, and the O-ring having an inner wall formed with a positioning stub inserted into the

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positioning hole of the operation rod, so that the O-ring is secured on the distal end of the operation rod.

Regarding claim 9, Applicant admits that it is old and conventional to have the operational rod with an outer wall formed with an annular catch flange for locking the first bevel gear.

Regarding claims 10 and 11, Applicant admits that it is old and conventional to have a first and second bevel gear located on the connecting rack.

Regarding claim 12, Applicant admits that it is old and conventional to have the lower end of the rotor having a periphery formed with an annular catch flange for locking the second bevel gear.

Regarding claims 13 and 15, Bialler et al. discloses the doll and the rotor having magnets in which allow the doll to rotate on the platform. For what can be drawn from Bialler et al. there is not limit to how many magnets with different magnetic poles that may be used within the doll and the rotor. Therefore, one having ordinary skill in the art would have found it obvious to use any number of magnets within the doll and rotor, as taught by Bialler et al., in order to facilitate rotation of the doll.

Regarding claims 14 and 16, Bialler et al. also discloses the rotation of the magnetic seat without the use of rollers in which the magnetic seat does not touch the bottom or top surface of the platform. From the above, one having ordinary skill in the art would have sought that rollers are not essential in order for the invention of the applicant's to be attained. Rollers claimed by the applicant only space the magnetic seat from the bottom and top of the platform.

***Response to Arguments***

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAN

Alvin A. Hunter, Jr.

  
GREGORY VIDOVICH  
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